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21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.
25 Plaintiff,
26 v.
27 GOOGLE INC.
28 Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF CHRISTINA VON
DER AHE RAYBURN IN SUPPORT OF
UNOPPOSED MOTION FOR LEAVE
TO FILE SUPPL. COMPLAINT**

Date: September 10, 2015 at 8:00 am
Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

DECL. OF CHRISTINA V. RAYBURN
CV 10-03561 WHA

1
2 I, Christina Von der Ahe Rayburn, declare and state as follows:

3 1. I am a member of the bar of the State of California, admitted to practice before this
4 Court, and am an associate with the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”),
5 attorneys of record for Plaintiff Oracle America, Inc. (“Oracle”). I am familiar with the events,
6 pleadings and discovery in this action and, if called upon as a witness, I could and would testify
7 competently to the matters stated herein of my own personal knowledge.

8 2. I submit this declaration in support of Oracle’s Unopposed Motion for Leave to
9 File Supplemental Complaint.

10 3. Attached as **Exhibit A** is a true and correct copy of Oracle’s Proposed
11 Supplemental Complaint.

12 4. This Proposed Supplemental Complaint concerns relevant events that have
13 occurred since Oracle filed its Amended Complaint on October 27, 2010. ECF 36.

14 5. On August 4, 2015, I sent a draft of Oracle’s Proposed Supplemental Complaint to
15 Christa Anderson and others of Keker & Van Nest LLP, counsel for defendant Google Inc.
16 (“Google”), asking whether Google would oppose a motion for leave to file that draft of Oracle’s
17 Proposed Supplemental Complaint.

18 6. On August 5, 2015, Reid P. Mullen of Keker & Van Nest responded to me to say
19 that Google would agree “not to oppose Oracle filing the attached supplemental complaint if
20 Oracle removes paragraphs 24 and 25 from the attached.” Attached as **Exhibit B** is a true and
21 correct copy of that correspondence.

22 7. The Proposed Supplemental Complaint attached as **Exhibit A** hereto is the same
23 as the draft Proposed Supplemental Complaint that I discussed with Mr. Mullen, except that I
24 have removed Paragraphs 24 and 25 as Mr. Mullen requested.

25 8. In our communications on this topic, Mr. Mullen and I have further agreed that
26 Google’s consent to Oracle’s filing of the Proposed Supplemental Complaint attached hereto as
27 **Exhibit A** was without prejudice to either party’s position regarding the contents of the
28

1 pleading. For example, by reaching agreement, Oracle has not conceded that there was anything
2 wrong with the parts that were deleted to reach agreement or that any of the deleted allegations
3 are not relevant to the case to be tried, and Google does not admit the contents of the pleading,
4 nor has it agreed to waive any objections or defenses to its content
5

6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct.

8 Executed this 6th day of August, 2015, at Irvine, CA.
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11 /s/ Christina Von der Ahe Rayburn
12 Christina Von der Ahe Rayburn
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